THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.5764 of 2006

Dated:3rd August, 2006

Between:

F.B.Mohammed. **…..PETITIONER**

AND

The Andhra Pradesh State Road Transport Corporation, rep by its Regional Manager, Picket, Secunderabad and another. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.5764 of 2006

ORDER:

The petitioner is questioning the action of the respondents in not extending to him the benefits of the Circular No.PD-40/2005 dt.26.8.2005 on the ground that he is medically unfit.

Petitioner joined the corporation on 12-12-1984. In periodical medical examination he was declared unfit to hold the post of driver due to defective vision as such he was retired from service on 5-11-2004. It is the case of the petitioner that he is entitled for alternative employment with due protection of wages as a result of his becoming unfit to hold the post of driver. It is his grievance that though he submitted a representation in September 2005 no proposals are passed for releasing the revised additional monetary benefit in terms of Circular No.PD-40/2005 dated
26-8-2005, which is the subject matter of the writ petition.

Learned counsel for the petitioner submitted that the petitioner is entitled for the benefits under Circular No.PD-40/2005 dated 26-8-2005 as the petitioner is retired on medical grounds. The learned counsel further submitted that the action of the respondents in not extending the benefits of the said circular to the petitioner is illegal and

arbitrary.

Learned Standing counsel for A.P.S.R.T.C submitted that unfortunately the 1st respondent/ Regional Manager wrote a letter to the Managing Director of the Corporation stating that the case of the petitioner cannot be considered as per the Circular No.PD-40/2005 dated 26-8-2005.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for A.P.S.R.T.C and perused the Circular dated 26-8-2006.

This Court on 23-3-2006 ordered notice before admission and in spite of notice to the respondents, no counter affidavit is filed. In the circular it is clearly stated that Reg.6A (5) of A.P.S.R.T.C Employees' (Service) Regulations, 1964 is amended to provide better benefits than the existing additional monetary benefits to mitigate the hardship of medically unfit driver. As per the said circular the petitioner is entitled for the benefits as he was retired on medical grounds.

In the above view of the matter, the 1st respondent/Regional Manager, A.P.S.R.T.C, is directed to consider the case of the petitioner forthwith under Circular No.PD-40/2005 dt.26.8.2005 for releasing the revised additional monetary benefit by passing appropriate orders, expeditiously, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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(N.V. RAMANA, J.)

Date:3rd August, 2006.

GRK